

AN ORDINANCE

BY COUNCILMAN CEASAR C. MITCHELL

AN ORDINANCE TO AMEND ARTICLE V (ENTITLED "OFFENSES BY AND AGAINST MINORS") OF CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY CREATING A NEW SECTION 106-229 TO BE ENTITLED "DAY-TIME CURFEW" SO AS TO IMPOSE A DAY-TIME CURFEW ON MINORS AGES SIX (6) TO SIXTEEN (16) YEARS AND FOR OTHER PURPOSES.

**WHEREAS**, crime in the City of Atlanta is increasing during the day-time hours; and

**WHEREAS**, crime statistics indicate that a significant amount of the crimes being committed are being committed by school-age children; and

**WHEREAS**, imposing a day-time curfew will keep school-age children off of the streets during the middle of the day, thereby reducing the number of criminal incidents committed by school-age children.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS**, as follows:

**Section 1:** Article V (entitled "Offenses By And Against Minors") of Chapter 106 of the Code of Ordinances of the City of Atlanta, Georgia, is hereby amended by creating a new Section 106-229, to be entitled "Day-Time Curfew", and which shall provide as follows:

**Sec. 106-229. Day-Time curfew.**

(a) It is unlawful for any minor between the ages of six (6) and sixteen (16) years, to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a. m. and 2:30 p.m. on any school day, and provided, that the provisions of this section shall not apply to situations set forth in items (1) through (6) of Section 106-227, above, or in the following instances:

(1) When the minor is enrolled in a valid home study program as authorized by O.C.G.A. Section 20-2-690;

(2) When the minor has completed all course study requirements for high school graduation;

(3) When the minor is married in accordance with applicable law;

(4) When the minor has written proof from school authorities that he/she is excused from school attendance at that particular time; or

(5) When the minor is participating in an approved school or study activity which requires the minor to be off school property.

(b) Any minor charged with the violation of subsection (a) of this section shall be subject to the jurisdiction of the juvenile court.

(c) A police officer shall transport any minor charged with violating subsection (a) of this section, to a designated school district facility. A minor transported to the school district facility will be released to the custody of the school officials or to the custody of the minor's parent or legal guardian.

(d) (1) Generally. It shall be unlawful for the parent, legal guardian or other person having custody or control of any minor between the ages of six (6) and (16) years, to permit or by insufficient control, to allow such child to be in or upon the public streets or any other places listed in section 106-229 (a) within the city, between the hours of 8:30 a.m. and 2:30 p.m. on any school day, except in circumstances set out in items (1) through (6) of section 106-227 and items (1) through (5) in section 106-229 (a). It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor was charged with violating this section.

(2) Violation. Upon conviction of violation of this section for the first time, a person shall be given a warning citation. Upon further convictions, a person shall be subject to a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public right of way of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in section 1-8 of this code. Each violation of this section shall constitute a separate offense.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict for purposes of this ordinance only.